

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JUDY LARSON, et al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

SPRINT NEXTEL CORPORATION, et al.,

Defendants.

Civil Action No.: 07-5325 (JLL)

ORDER

LINARES, District Judge.

On December 5, 2008, this Court preliminarily approved the settlement of this action and preliminarily certified the settlement class. On January 15, 2010, this Court certified the settlement class and granted final approval to the Larson Settlement.

On June 29, 2012, the Court of Appeals for the Third Circuit entered an Opinion vacating this Court's January 15, 2010 final approval of the Larson Settlement and remanding the matter for further proceedings consistent with its decision. *See Larson v. AT & T Mobility LLC, et al.*, --- F.3d ---, 2012 WL 2478376 (3d Cir. June 29, 2012). In particular, the Third Circuit directed this Court to reconsider, "on a more complete record" and "in greater detail," two (2) aspects of its January 15, 2010 decision: (1) whether the Amended Notice Plan passes muster under Rule 23(c)(2) given "Sprint's concession that a billing records search could result in identifying millions of class members who were charged a flat-rate ETF;"¹ and (2) whether the Class Representatives have "the

¹ *Larson*, 2012 WL 2478376, at *14.

ability and the incentive to represent the claims of the class vigorously,"² and are thus adequate under Rule 23(a)(4).³


In light of these directives, the following schedule shall govern the deadlines leading up to a fairness hearing:

- The parties to this action shall submit a brief, not to exceed thirty (30) pages, addressing the two (2) discrete issues listed above on or before **August 31, 2012**. Any response and/or objection thereto shall be filed, as a written submission not to exceed thirty (30) pages, by **September 28, 2012**. To the extent any objections are filed, Class Counsel and Sprint may each file a reply brief, not to exceed fifteen (15) pages, on or before **October 12, 2012**. The Court will then determine whether it will hear oral arguments on these issues.
- Counsel for Objector Jessica Hall may submit a letter request for discovery in connection with the reverse auction claim on or before **August 15, 2012**. Any response thereto shall be filed on or before **August 31, 2012**.

Upon the completion of this briefing, the Court will then enter an Order scheduling a date for a new fairness hearing and extending any other applicable deadlines. In the interim, this matter remains subject to the Preliminary Approval Order entered by this Court on December 5, 2008.

IT IS SO ORDERED.

DATE: August 2, 2012


Jose L. Linares
UNITED STATES DISTRICT JUDGE

² *Id.* at *15 (quoting *In re Cmty. Bank of Northern Va.*, 622 F.3d 275, 291 (3d Cir. 2010)).

³ *Id.*